REMARKS

In the Official Action mailed on **17 March 2010** (hereinafter "Office Action"), the Examiner reviewed claims 1-30. Examiner provisionally rejected claims 1-17 on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1-22 of co-pending Application No. 10/701,154 and co-pending Application No. 10/701,356. Examiner rejected claims 1-9, 11-23, and 25-30 under 35 U.S.C. § 103(a) based on Tams et al. (U.S. Pub. No. 2003/0069952, hereinafter "Tams"), in view of Official Notice. Examiner rejected claims 10 and 24 under 35 U.S.C. § 103(a) based on Tams, in view of Maufer et al. (U.S. Patent No. 7,120,930, hereinafter "Maufer").

Double Patenting Rejection

Examiner provisionally rejected claims 1-17 on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1-22 of co-pending Application No. 10/701,154 and co-pending Application No. 10/701,356. Accordingly, Applicant hereby files a new terminal disclaimer with a 373(b) statement as Examiner suggested.

Rejections under 35 U.S.C. § 103(a)

Examiner rejected claims 1-9, 11-23, and 25-30 under 35 U.S.C. § 103(a) based on Tams in view of official notice. Applicant respectfully disagrees with this rejection. Tams does not disclose a profile table that stores historical traffic information as exponentially weighted moving average values. Neither does Tams disclose merging records from the connection table into the historical traffic information in the profile table.

Specifically, Tams discloses a table that shows source and destination addresses (Tams, Table 1) and different time intervals (Tams, pars. [0198], [0201]-[0206] and Fig. 8). Moreover, Tams explicitly states:

> Because the network traffic database of the present invention is not aged, the periodic processor loading associated with aging of databases is avoided. In addition, the need to double buffer the database data during an aging process is eliminated since no aging is performed (Tams, par. [0054]).

Note that the exponentially weighted moving average is an aging technique to process the historical traffic information.

In contrast, embodiments of the present invention involve a profile table that stores historical traffic information as exponentially weighted moving average values. The system also periodically merges the records from the connection table into the historical traffic information in the profile table (instant application, page 13, lines 17-30). The exponentially weighted moving average facilitates representing and adapting to gradual trends and not reacting to bursty events (instant application, page 14, lines 2-11).

Accordingly, Applicant has amended independent claims 1 and 18 to clarify that embodiments of the present invention involve a profile table that stores historical traffic information as exponentially weighted moving average values, and merging records from the connection table into the profile table. Support for these amendments is found in instant application, instant application, page 13, lines 17-30. No new matter has been added.

Hence, Applicant respectfully submits that independent claims 1 and 18, as currently amended, are in condition for allowance. Applicant also submits that claims 2-17 and 26, which depend upon claim 1, and claims 19-25 and 27-30, which depend upon claim 18, are for the same reasons in condition for allowance and for reasons of the unique combinations recited in such claims.

CONCLUSION

It is submitted that the application is presently in form for allowance. Such action is respectfully requested.

Respectfully submitted,

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